

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LOUIS AGRE, et al. v. THOMAS W. WOLF , Governor of Pennsylvania, ROBERT TORRES* , Acting Secretary of State of Pennsylvania, JONATHAN MARKS , Commissioner of the Bureau of Elections – in their official capacities.	CIVIL ACTION NO. 17-4392
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PROCEDURAL ORDER RE: TRIAL

BEFORE: Smith, Chief Circuit Judge; Shwartz, Circuit Judge; Baylson, District Judge:

AND NOW this 29th day of November, 2017, it is hereby **ORDERED** as follows:

1. Argument on the Motions in Limine will take place on Monday, December 4, 2017 at 9:00 a.m. in Courtroom 3A, ten (10) minutes each side.
2. Opening statements – ten (10) minutes each side.
3. Trial will begin immediately following, also in Courtroom 3A and will proceed each day from 9:00 a.m. to 4:30 p.m. through Thursday, December 7, 2017, with a one-hour lunch recess.
4. Counsel shall pre-mark any exhibits they intend to use at trial, and shall serve an exhibit list on opposing counsel no later than 5:00 p.m. on Thursday, November 30, 2017. Counsel may promptly supplement this list for documents not available as of this deadline, but no later than the start of trial. Any exhibits that have not been exchanged during pretrial discovery shall be produced to opposing counsel.

* As of October 11, 2017, Robert Torres is the Acting Secretary of the Commonwealth of Pennsylvania and is hereby substituted as a defendant. *See* Fed. R. Civ. P. 25(d).

5. Any objection to exhibits shall be served by 3:00 p.m. on Friday, December 1, 2017. Counsel shall meet and confer prior to the start of trial and present any disputes about exhibits to the Court on December 4, 2017, at a time to be set by the Court, preferably with a list of exhibits, by number and description, for which there are unresolved objections, with reasons for the objection(s). Objections not raised are waived.

6. As Courtroom 3A is equipped for electronic display of exhibits, counsel shall consult with Deputy Clerk, Janice Lutz, as to the presentation of exhibits by electronic display. In addition, each side shall prepare one “hard copy” of each exhibit, for each judge, preferably in a 3-ring notebook, tabbed and indexed.

7. Each party who intends, pursuant to Rule 32, Fed. R. Civ. P., to introduce deposition testimony taken as part of the pretrial proceedings in this case, shall designate, by page and line number, the depositions which it intends to introduce at trial and serve designations no later than 3:00 p.m. on Friday, December 1, 2017. As to any deposition transcripts which have not been received by that time, the designations shall be served no later than the close of business on Monday, December 4, 2017. Objections to any designations must be served by close of business on Tuesday, December 5, 2017. Counsel shall make arrangements to “meet and confer” about objections Tuesday evening, December 5, 2017. Any remaining objections as to deposition designations shall be presented to the Court on Wednesday, December 6, 2017 at a time to be set by the Court. The Court will determine whether deposition testimony will be read into the record, or appended to the transcript, or be received as an exhibit.

8. The parties shall file and serve, by 3:00 p.m. on Friday, December 1, 2017, a list of the witnesses they intend to call. Plaintiffs shall specify in sequential order, the witnesses to be called on Monday, December 4, 2017. Thereafter, each party shall advise the Court and

opposing counsel of the witnesses they intend to call the next day, in sequential order, before the close of court each day.

9. Trial transcripts – Although the Court specified when trial transcripts should be secured in a procedural order dated November 13, 2017 (ECF ___), this procedure will be changed, as follows. Testimony will be recorded in the courtroom's ESR system, and audio files may be uploaded the same evening by any PACER subscriber. The Court will **ORDER** that a written transcript to be prepared of each day's proceedings, and three copies be delivered to the courtroom before 4:30 p.m. of the following day. The Court will give forwarding instructions as to the transcript for Thursday, December 7, 2017. Counsel shall make their own arrangements for receipt of the transcript by e-mail or otherwise. Costs shall be shared 1/3 Plaintiffs, 1/3 Executive Defendants, 1/3 Intervenor Defendants.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge

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